

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francis W. Daly Jr. Attorney Docket No. 543-99-036
(HOOO-1-1126)
Serial No.: 10/823,951 Group Art Unit: 2857
Filing Date: April 13, 2004 Examiner: Gutierrez, Anthony
Title: WEATHER INCIDENT PREDICTION

APPLICATION FOR PATENT TERM ADJUSTMENT

TO THE COMMISSIONER OF PATENTS:

Applicants hereby make this application for Patent Term Adjustment under 37 CFR § 1.705(b).

- (1) The fee set forth in § 1.18(e) is submitted herewith.
- (2) A statement of the facts involved are as follows:
 - (i) The correct term adjustment is one thousand, three hundred and seventy-nine days (1,379) and the basis under 37 CFR § 1.702 for the adjustment is the Examiner's failure to take action on Applicants Response to Office Action filed on December 13, 2004 (65 days) and to file an Answer to Applicant's Appeal Brief submitted on December 21, 2005 (311 days), and the number of days in the period beginning on the day after the date that is three years after the date on which the application was filed and ending on the date the patent was issued (1,040 days).
 - (ii) This application was filed under 35 USC § 111(a) on April 13, 2004. A Non-Final Office Action was issued on September 10, 2004. A Response to Office Action was filed by Applicant on December 13, 2004 (Applicant delay of 3 days). The Examiner issued a Final Rejection on June 17, 2005, which is a delay of sixty-five (65) days.

- (iii) In response to the Final Rejection, Applicant filed a Notice of Appeal on October 21, 2005 (Applicant delay of 34 days) and an Appeal Brief on December 21, 2005. The Examiner filed an Answer to Applicant's Appeal Brief on February 26, 2007, which is a delay of three hundred and eleven (311) days.
- (iv) This application was filed under 35 USC § 111(a) on April 13, 2004 and issued on February 16, 2010. The number of days beginning on the day after the date that is three years after the date on which the application was filed and ending on the date the patent was issued is one thousand and forty (1,040) days. A Notice of Appeal was filed on October 21, 2005 and the Board mailed a decision on April 30, 2009, it is believed that the period of reduction of Patent Term Adjustment, as detailed under 37 C.F.R. § 1.703(b)(4) is not applicable in this instance because the Appeal resulted in a decision.
- (v) This patent application is not subject to a Terminal Disclaimer.
 - i. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

Respectfully submitted,

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